



Order Filed on August 26, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1(b)**

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and Debtor in Possession*

In re

CONGOLEUM CORPORATION,

Debtor.<sup>1</sup>

Chapter 11  
Case No. 20-18488 (MBK)

**Hearing Date and Time:**  
August 20, 2020 at 11:30 a.m.

**ORDER GRANTING DVL, INC. AND DVL KEARNY HOLDINGS, LLC LIMITED  
RELIEF FROM THE AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through four (4) is hereby  
**ORDERED.**

**DATED: August 26, 2020**

  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

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Upon the motion (the “**Motion**”)<sup>2</sup> of DVL, Inc. and DVL Kearny Holdings, LLC (collectively, “**DVL**”) for Entry of an Order Granting Relief from the Automatic Stay Pursuant to Section 362 of the Bankruptcy Code [Docket No. 73]; and the Court having jurisdiction to decide the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157(a)-(b) and 1334(b); and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and notice of the Motion having been given as provided in the Motion, and such notice having been adequate and appropriate under the circumstances; and it appearing that no other or further notice of the Motion need be provided; and Congoleum Corporation (the “**Debtor**”) having filed an Objection to the Motion [Docket No. 133]; and Bath Iron Works Corporation (“**BIW**”) having filed an Objection to the Motion [Docket No. 136]; and the Official Committee of Unsecured Creditors having filed a Joinder to the Debtor’s Objection to the Motion [Docket No. 211]; and DVL having filed Responses to the Objections [Docket Nos. 175 and 176]; and the Court having found and determined that the limited relief granted herein is necessary to avoid immediate and irreparable harm to the Debtor and its estate as contemplated by Bankruptcy Rule 6003, and is in the best interests of the Debtor, its estate and creditors, and all parties-in-interest, and that the legal and factual bases set forth in the Motion

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

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establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The automatic stay shall be modified solely to allow a settlement conference to proceed with respect to the District Court Action<sup>3</sup> before the Honorable James B. Clark, III, Magistrate Judge, United States District Court for the District of New Jersey (the “**Settlement Conference**”).
2. The balance of the relief requested in the Motion is hereby withdrawn without prejudice to DVL’s right to re-file such Motion in the event the Settlement Conference does not result in a resolution of DVL’s claims against the Debtor.
3. Except as set forth in paragraph 1 hereof, the provisions of Section 362 of the Bankruptcy Code, including, without limitation, those provisions prohibiting execution, enforcement or collection of any judgement against the Debtor or its assets shall remain in full force and effect. Nothing contained herein shall constitute or operate as waiver or modification of the automatic stay so as permit the prosecution by DVL and/or BIW against the Debtor of any claims in connection with the District Court Action.

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<sup>3</sup> Terms not otherwise defined here in shall have the meanings afforded to them in the Stay Relief Motion [Docket No. 73].

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4. Except as expressly provided for herein, the parties reserve all of their respective rights, claims and defenses.

5. This Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.